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§5–208.

(a) (1) In this section the following words have the meanings indicated.

(2) “Aggregate State funding for the LEP formula” means the product of the LEP per pupil amount and the statewide LEP enrollment count.

(3) “Full-time equivalent enrollment” has the meaning stated in § 5-202 of this subtitle.

(4) “LEP” means limited English proficiency.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, “LEP enrollment count” means the number of students with limited English proficiency for the prior fiscal year.

(ii) For fiscal year 2004, “LEP enrollment count” means the greater of:

1. The number of students with limited English proficiency for the prior fiscal year; or

2. The number of students with limited English proficiency for the second prior fiscal year.

(6) “LEP per pupil amount” means 99% of the annual per pupil foundation amount calculated under § 5-202 of this subtitle multiplied by the State share of LEP funding.

(7) “Limited English proficiency” means non-English or limited English proficiency under the reporting requirements established by the Department for the Maryland School Performance Program.

(8) “Local wealth per pupil” means a county’s wealth divided by the county’s full-time equivalent enrollment.

(9) “State share of LEP funding” means:

(i) 0.29 in fiscal year 2004;

- (ii) 0.37 in fiscal year 2005;
- (iii) 0.41 in fiscal year 2006;
- (iv) 0.46 in fiscal year 2007; and
- (v) 0.50 in fiscal year 2008 and each fiscal year thereafter.

(10) “Statewide wealth per pupil” means the sum of the wealth of all counties divided by the statewide full-time equivalent enrollment.

(11) “Tier I LEP funding” means:

- (i) For fiscal year 2008 and each fiscal year thereafter, \$0; and
- (ii) For fiscal years 2004 through 2007, the result obtained by multiplying \$1,350 by the statewide LEP enrollment count, and multiplying this product by:

- 1. 1.0 for fiscal year 2004;
- 2. 0.75 for fiscal year 2005;
- 3. 0.50 for fiscal year 2006; and
- 4. 0.25 for fiscal year 2007.

(12) “Tier II LEP funding” means the difference between aggregate State funding for the LEP formula and Tier I LEP funding.

(13) “Tier II LEP per pupil amount” means the result obtained by dividing Tier II LEP funding by the statewide LEP enrollment count.

(14) “Wealth” has the meaning stated in § 5-202 of this subtitle.

(b) (1) For fiscal years 2004 through 2007, the State shall distribute Tier I LEP grants and Tier II LEP grants to county boards.

(2) For fiscal year 2008 and each fiscal year thereafter, the State shall distribute Tier II LEP grants to county boards.

(c) (1) For fiscal years 2004 through 2007, the amount of the Tier I LEP grant distributed to a county board shall be equal to the result obtained by

multiplying \$1,350 by the county's LEP enrollment count, and multiplying this product by:

- (i) 1.0 for fiscal year 2004;
- (ii) 0.75 for fiscal year 2005;
- (iii) 0.50 for fiscal year 2006; and
- (iv) 0.25 for fiscal year 2007.

(2) For fiscal year 2008 and each fiscal year thereafter, the State may not make Tier I LEP grants to county boards.

(d) (1) The amount of the Tier II LEP grant distributed to a county board shall be calculated as provided in this subsection.

(2) For each county, multiply the county's LEP enrollment count by the Tier II LEP per pupil amount.

(3) For each county, divide the result calculated under paragraph (2) of this subsection by the ratio, rounded to seven decimal places, of local wealth per pupil to statewide wealth per pupil.

(4) For each county, multiply the result calculated under paragraph (3) of this subsection for the county by the result, rounded to seven decimal places, that results from dividing Tier II LEP funding by the sum of all of the results calculated under paragraph (3) of this subsection for all counties.

(e) (1) If the amount calculated under subsection (d)(4) of this section for any county is less than the minimum Tier II LEP grant amount determined under paragraph (2) of this subsection, the State shall distribute an additional grant to the county in the amount by which the minimum Tier II LEP grant amount exceeds the result calculated under subsection (d)(4) of this section.

(2) For purposes of paragraph (1) of this subsection, the minimum Tier II LEP grant amount for each county is the result obtained by multiplying the Tier II LEP per pupil amount by the county's LEP enrollment count, and multiplying this product by:

- (i) 0.50 for fiscal year 2004;
- (ii) 0.66 for fiscal year 2005;

- (iii) 0.70 for fiscal year 2006;
- (iv) 0.76 for fiscal year 2007; and
- (v) 0.80 for fiscal year 2008 and each fiscal year thereafter.

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